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OFFICE OF PETITIONS

In re Application of :
Catton, et al. :
Application No.: 09/933,502 :
Filing date: August 20, 2001 :
Attorney Docket No.: 11518-003-99 :
For: MEDICAL GAS ALARM SYSTEM :

Decision on Petition

This is a decision on the petition under 37 CFR §3.81, filed July 5, 2005, to waive the rules and accept the correction of the assignee data to be printed on the front page of the patent issued from the above-identified application.

The request under 37 CFR 3.81 is **dismissed**.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. Therefore, a petition to waive the rule is unnecessary. 37 CFR 3.81(b) currently states:

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter. (Emphasis added)

In other words, the request under 37 CFR 3.81(b) will be granted when:

- (1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
- (2) the assignment was submitted for recordation prior to issuance of the patent, and
- (3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

The instant petition is dismissed because petitioners have not submitted a completed PTOL-1050 (Certificate of Correction) and \$100.00 fee.

Regarding finances, a \$130.00 processing fee is due. Deposit account no. 50-3013 will be charged this amount shortly.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
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Telephone inquiries should be directed to the undersigned at (571) 272-3230.



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